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data in whole or in part and in any manner for Federal purposes and to have or permit others to do so for Federal purposes only. Federal purposes include competitive procurement but do not include the right to have or permit others to use data for commercial purposes.

(3) In order that the Federal Government may exercise its license rights in data, the Federal Government, upon request to the recipient, shall have the right to review and/or obtain delivery of data resulting from the performance of work under this grant, and authorize others to receive data to use for Federal purposes.

(4) If information which recipient considers to embody trade secrets or to comprise commercial or financial information which is privileged or confidential is disclosed orally or visually to NASA, such information must be reduced to tangible, recorded form (i.e., converted into data as defined herein), identified and marked with a suitable notice or legend and furnished to NASA within 10 days after such oral or visual disclosure, or NASA shall have no duty to limit or restrict, and shall not incur any liability for, any disclosure and use of such information.

(b) *Cost Sharing and/or Matching Efforts.* When the recipient cost shares with the Government on the effort, the following is added:

(5) In the event data first produced by recipient in carrying out recipient's responsibilities under an agreement is furnished to NASA, and recipient considers such data to embody trade secrets or to comprise commercial or financial information which is privileged or confidential, and such data is so identified with a suitable notice or legend, the data will be maintained in confidence and disclosed and used by the Government and its contractors (under suitable protective conditions) only for experimental, evaluation, research and development purposes, by or on behalf of the Government for an agreed to period of time, and thereafter for Federal purposes as defined in §1260.29(a)(2).

c. *Add the following paragraph in Cooperative Agreements.* (#) As to data first produced by NASA in carrying out NASA's responsibilities under a cooperative agreement and which data would embody trade secrets or would comprise commercial or financial information that is privileged or confidential if it has been obtained from the recipient, such data will be marked with an appropriate legend and maintained in confidence for an agreed to period of up to ____ years (*insert a period of up to 5 years.*) after development of the information, with the express understanding that during the aforesaid period such data may be disclosed and used (under suitable protective conditions) by or on behalf of the Government for Government purposes only, and thereafter for any purpose whatsoever without restriction on disclosure and use. Recipient agrees not to dis-

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close such data to any third party without NASA's written approval until the aforementioned restricted period expires.

§ 1260.30 National security.

NATIONAL SECURITY (JULY 1996)

Normally, NASA grants do not involve classified information. However, if information is sought or developed by the recipient that should be classified in the interests of national security, the NASA grant officer who issued the grant shall be notified immediately.

§ 1260.31 Nondiscrimination.

NONDISCRIMINATION (JULY 1996)

(a) To the extent provided by law and any applicable agency regulations, this award and any program assisted thereby are subject to the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), Title IX of the Education amendments of 1972 (Pub. L. 92-318), 20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (Pub. L. 94-135), the implementing regulations issued pursuant thereto by NASA, and the assurance of compliance which the recipient has filed with NASA.

(b) The recipient shall obtain from each organization that applies or serves as a subrecipient, contractor or subcontractor under this award (for other than the provision of commercially available supplies, materials, equipment, or general support services) an assurance of compliance as required by NASA regulations.

(c) Work on NASA grants is subject to the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. 2000d-I), Title IX of the Education Amendments of 1972 (20 U.S.C. 1680 et seq.), section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the NASA implementing regulations (14 CFR parts 1250, 1251, and 1252).

§ 1260.32 Subcontracts.

SUBCONTRACTS (NOVEMBER 1997)

(a) For all subcontracts over \$100,000, the recipient shall provide the following to the NASA grant officer for approval:

(1) A copy of the proposed subcontract.

(2) The basis for subcontractor selection.

(3) Justification for lack of competition when competitive bids or offers are not obtained.

(4) The subcontract budget and basis for subcontract cost or price.

(b) The recipient (with the exception of foreign organizations) shall utilize small

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business concerns, small disadvantaged business concerns, Historically Black Colleges and Universities, minority educational institutions, and women-owned small business concerns as subcontractors to the maximum extent practicable.

(c) All contracts awarded by a recipient, including small purchases, shall contain the provisions in appendix A of subpart B of this part.

[End of provision]

[61 FR 38059, July 23, 1996, as amended at 62 FR 63453, Dec. 1, 1997]

§ 1260.33 Clean air and water.

CLEAN AIR AND WATER (JULY 1996)

(Applicable only if the award exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act (42 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), and 9s listed by EPA, or if the award is not otherwise exempt).

The recipient agrees to he following:

(a) Comply with applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended (42 U.S.C. 7401, et seq.) and of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) That no portion of the work under this award will be performed in a facility listed on the Environmental Protection Agency (EPA) List of Violating Facilities on the date that this award was effective unless and until the EPA eliminates the name of such facility or facilities from such listings.

(c) Use its best efforts to comply with clear air standards and clean water standards at the facility in which the award is being preformed.

(b) Insert the substance of the provisions of this clause into any nonexempt subward or contract under the award.

(e) Report violations to NASA or to EPA.

§ 1260.34 Procurement standards.

PROCUREMENT STANDARDS (JULY 1996)

a. The recipient shall maintain a procurement system which, at a minimum, meets the requirements set forth in §§1260.140 through 1260.148.

b. Procurement programs funded with Federal funds shall give preference to he purchase of recycled products pursuant to EOA guidelines.

§ 1260.35 Foreign national employee investigative requirements.

FOREIGN NATIONAL EMPLOYEE INVESTIGATIVE REQUIREMENTS (JULY 1966)

(a) The recipient agrees to provide the information requested by NASA to allow the recipient's access to a NASA Center for performance of this grant. All visit requests must be submitted in a timely manner in accordance with instructions provided by the Center(s) to be visited.

(b) The recipient acknowledges that NASA reserves the right to perform security checks on foreign national visitors, and to deny or restrict access to a NASA Center, facility, computer system, or technical information in the interest of national security.

§ 1260.36 Travel and transportation.

TRAVEL AND TRANSPORTATION (JULY 1996)

(a) The Fly America Act, 49 U.S.C. 40118, requires the recipient to use U.S. flag air carriers for international air transportation of personnel and property to he extent that service by those carriers is available.

(b) Department of Transportation regulations, 49 CFR part 173, govern recipient shipment of hazardous materials and other items.

SPECIAL CONDITIONS

§ 1260.50 Special conditions.

(a) In addition to the provisions set forth in §§1260.21 through 1260.37, NASA grants are subject to special conditions, which either are not applicable to all awards or are temporary in nature. Examples are found in §§1260.51 through 1260.66, but NASA may impose other conditions as discussed in §1260.114 or as the requirements dictate. A deviation to this handbook is not required for changes to special conditions.

(b) Special conditions will be printed in full text.

(c) For training grants, use §1260.57 plus any other special conditions necessary.

(d) In facilities grants, special conditions will be selected on a case-by-case basis. As appropriate, the requirements of the following sections will apply: §§1260.132, Real property; 1260.123(c), Cost sharing or matching; and 1260.125(h), Revision of budget and program plans.

(e) Research grants with foreign organizations will include special conditions §§1260.58 through 1260.62, modified as necessary, when not covered under a Memorandum of Agreement (MOA). In addition, other clauses (e.g., §§1260.63 through 1260.66) will be written with the aid of General Counsel, and added when necessary.